

Minutes

Thursday, 3rd March 2005
at Bishopstone Village Hall
Commencing at 4.30pm

**THESE MINUTES SHOULD BE KEPT FOR USE BY DISTRICT COUNCILLORS
AT THE NEXT COUNCIL MEETING**

P R E S E N T

District Councillors

Councillor Mrs C A Spencer – Chairman
Councillor Mrs J A Green – Vice Chairman

Councillors A J A Brown-Hovelt, T F Couper,
E R Draper, P D Edge, J B Hooper, G E Jeans and Mrs S A Willan.

Apologies: J A Cole-Morgan

Parish Representatives

S Adcock (Compton Chamberlayne), R Wright (Sutton Mandeville) N Knowles (Fovant)

Members of the Public

35

Officers

Mrs J Howles (Development Services), A Rountree (Development Services)
S Draper (Democratic Services)

MINUTES NOT REQUIRING COUNCIL APPROVAL

397. PUBLIC QUESTION/STATEMENT TIME

Mr Edwards asked the following question “The use of council taxes for the unelected regional assemblies is possibly illegal.

Several local authorities have already withdrawn their support for the assemblies. May I suggest that Salisbury District Council does the same.

I would like to know what the cost is to the council tax payer of these regional assemblies.”

The Chairman informed Mr Edwards that this was an issue which was of great interest and importance to many people. Therefore an invitation had been extended to the Director of Strategy and Local Government from the South West Regional Assembly to attend a future meeting of the Western Area Committee to give a presentation on various issues surrounding the operation of the regional assemblies. It was hoped that this presentation would be given at the next meeting on 31st March but this was still to be confirmed. The Chairman informed Mr Edwards that a letter would be sent to him to inform him of the date of the presentation once it had been confirmed.

398. COUNCILLOR QUESTION/STATEMENT TIME

There were none.

399. MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the last ordinary meeting held on 3rd February 2005 (previously circulated) be approved as a correct record and signed by the Chairman.

Councillor Hooper stated that he believed that planning application S/2004/2628 for Saw Mills, Wardour would be considered at the next Western Area Committee meeting. The Chairman informed him that this was indeed the case.

400. DECLARATIONS OF INTEREST

None.

401. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members that Dr A Murrison MP had written to the Council to elicit further information about the issues surrounding enforcement which the Western Area Committee had written to him about in December 2004. A response had been formulated by officers and circulated to all members for information.

The Chairman also informed members that the Western Area Co-ordinator, Arabella Davies, had given birth to a baby girl on 20th February and that mother and baby were doing very well. The Committee extended their congratulations and best wishes to Arabella.

402. S/2005/0108 – FULL APPLICATION - ALTERATIONS AND EXTENSION TO EXISTING COTTAGE; CAMEL COTTAGE HIGH STREET, COMPTON CHAMBERLAYNE, SALISBURY, SP3 5DB - FOR MR & MRS G WHITE

Mr J Morish, a neighbour, spoke in objection to the above application.

Ms M Latham, the architect for the applicant, spoke in support of the above proposal.

Mr S Adcock, Chairman of Compton Chamberlayne Parish Council, informed the Committee that the Parish Council objected to the application.

Following the receipt of these statements, and further to the site visit held earlier that day, the Committee considered the previously circulated report of the Head of Development Services:

RESOLVED –

1. That the above application be **REFUSED** for the following reasons:
 - (1) The proposed extension, due to its substantial bulk and scale, and the close proximity to the boundary with the adjacent dwelling, would be out of keeping with the locality, have an adverse impact on the character of the existing dwelling, and would also have an adverse impact on the amenities of the adjacent residential properties. The proposal would therefore be contrary to policy D3, H19, CN8, CN11, C4 & C5 of the Adopted Salisbury District Local Plan.
 - (2) There are no mains sewers available in the locality and it has not been demonstrated to the satisfaction of the LPA that a satisfactory method of foul drainage can be achieved within the site. The proposal is therefore contrary to Policy C2 and G5 of the Adopted SDLP and the advice in circular 3/99.
2. That the applicant be informed that this decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

Policy G2	General Development Guidance
Policy G5	Development requiring water services
Policy D3	General Design Guidance
Policy C4	Development within the AONB
Policy C5	Development within the AONB
Policy H19	Development within a Housing Restraint Area
Policy CN8	Development within a Conservation Area
Policy CN11	Development within a Conservation Area

403. S/2005/109 – L/BLDG DEMOLITION - ALTERATION & EXTENSION OF EXISTING BUILDING; DEMOLITION OF EXISTING EXTENSIONS & OUTBUILDINGS; CONSTRUCTION OF NEW 2 STOREY & SINGLE STOREY EXTENSIONS AND CONSERVATORY; REPLACEMENT OF STAIRCASE TO REORIENTATE ACCESS POSITION AND INSERTION OF ENSUITE BATHROOM IN THE EXISTING COTTAGE; CAMEL COTTAGE, HIGH STREET, COMPTON CHAMBERLAYNE, SALISBURY, SP3 5DB - FOR MR & MRS G WHITE

Mr J Morish, a neighbour, informed the Committee that he had concerns about this application but had nothing further to add to his earlier statements.

Ms M Latham, the architect for the applicant, spoke in support of the above application.

Mr S Adcock, on behalf of Compton Chamberlayne Parish Council, informed the Committee that the Parish Council had concerns about the above application but had nothing further to add to the earlier statements.

Following receipt of these statements, and further to the site visit held earlier that day the Committee considered the previously circulated report of the Head of Development Services.

RESOLVED –

1. That the above application be **REFUSED** for the following reason:

(1) The proposed extension, due to its substantial bulk and scale would be out of keeping with the locality and have an adverse impact on the character and setting of the existing dwelling, which is Grade II Listed Building. The proposal would therefore be contrary to policy CN3 of the Adopted Salisbury District Local Plan.

2. That the applicant be informed that this decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

Policy CN3 - Development to a Listed Building

404. S/2005/189 – FULL APPLICATION - DEMOLISH BUNGALOW ERECT 2 STOREY DWELLING & REVISION TO ACCESS; WHITMARSH, SUTTON ROW, SUTTON MANDEVILLE, SALISBURY, SP3 5NQ - FOR C.J.H & A.M OVER

Ms A Over, the applicant, spoke in support of the above proposal.

Mr R Wright, Chairman of Sutton Mandeville Parish Council, advised the Committee that the Parish Council supported the above proposal.

Following receipt of these statements and further to the site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated), together with the schedule of late correspondence circulated at the meeting:

RESOLVED -

- I. That subject to the submission of amended plans showing the existing residential curtilage of the development outlined in red and the remainder of the land edged blue:

Then the above application be delegated to the HDS to **APPROVE** for the following reasons:

- (1) The proposed replacement dwelling, is not considered to be harmful to the visual character of the AONB
- (2) The materials are sympathetic and the revised design overcomes the reason for refusal of the previous application.

And subject to the following conditions:

- I. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: 0015 To ensure that the external appearance of the replacement dwelling will relate appropriately to the character and appearance of the countryside

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation use of the development hereby permitted. These details shall include measures for the retention of all trees shown on drawing 650/0 and their protection during the construction of the development hereby approved, together with details of the planting to be used for the stopping-up of the existing access.

Reason: 0031 To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

4. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: 0031 To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

5. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: 0037 To enable the Local Planning Authority to secure the satisfactory maintenance of landscape works for a sufficient period of time to enable planted material to become adequately established.

6. A recessed entrance shall be constructed 4.5m back from the carriageway edge, and its sides shall be splayed outward at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaces (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the character and appearance of the area

7. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety

8. The existing vehicular access shall be stopped up and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9. Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of maintaining the character and appearance of the AONB

2. That the applicant be informed that this decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

- H30 Replacement dwellings in the open countryside
- C1 Development in the countryside
- C2 Development in the countryside

- C4 Development in AONBs
- C5 Development in AONBs

405. S/2005/58 – O/L APPLICATION - DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE - CONSTRUCTION OF TWO DETACHED DWELLINGS ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED WORKS; BRIMM CLOSE, DINTON ROAD, FOVANT, SALISBURY, SP3 5JW - FOR YEW TREE QUALITY HOMES LIMITED

Mrs A Millett, a representative of local neighbours and residents, spoke in objection to the above application.

The agent for the applicant spoke in support of the above proposal.

Mr N Knowles, the Chairman of Fovant Parish Council, advised the Committee that the Parish Council objected to the above application.

Following receipt of these statements and further to the site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated), together with the schedule of late correspondence circulated at the meeting:

RESOLVED -

(1) That the above application be approved for the following reason:

1. The proposed development of the site for two dwellings on the siting and means of access shown, would not harm the character and appearance of the area, the Cranborne Chase and West Wiltshire Downs AONB or the reasonable living conditions of nearby residential properties. It would therefore comply with Replacement Salisbury District Local Plan policies HI 6, D2, G1, G2 and C5

And subject to the following conditions

1. Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

5. Prior to the commencement of development, a scheme for the provision of recreational public open space in accordance with policy R2 of the Replacement Salisbury District Local Plan shall be submitted to and approved, in writing, by the Local Planning Authority, and undertaken in accordance with the scheme thereby approved.

Reason: In order to ensure adequate recreational open space facilities

6. The gradient of the proposed drives shall not be steeper than 1 in 8.

Reason: In the interests of highway safety

7. Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

8. This decision has been taken in accordance with plans 02105/2, 02105/3 and 02105/4 dated Feb 2005 with respect of siting and means of access. The elevations, heights, materials and designs shown on these plans are illustrative only, but shall be generally in accordance with 'split level' design shown. Further consent is required under condition 1 for approval of the specific design and external appearance, together with landscaping.

Reason: For the avoidance of doubt and in the interests of the character and appearance of the area

9. Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of the character and appearance of the area

10. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: 0014 To secure a harmonious form of development.

11. The finished floor level[s] of the proposed building[s] shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced, such details to include a topographical survey.

Reason: To ensure the exact finished floor level[s] of the building[s].

12. No development (including demolition) shall take place until measures have been submitted to and approved in writing by the Local Planning Authority, to prevent mud being deposited on the public highway by vehicles leaving the site and must be implemented during the whole of the demolition and construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the public highway.
Reason: in the interests of the amenities of nearby properties & in the interests of highway safety.

13. Demolition of the existing dwelling at Brimm Close shall only take place between the hours of 08:00 and 18.00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and not at all on Sundays.

Reason: in the interests of the amenities of nearby properties.

14. The ridge height of the dwelling hereby approved on the southern plot (plot 2) shall be at least 1m below the height of the dwelling hereby approved on the northern plot (plot 1).

Reason: in the interests of the character and appearance of the area.

- (2) And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

H16, D2, G1, G2 and C5

**406. S/2005/122 – FULL APPLICATION - ERECT NEW DWELLING;
STONEHAVEN (GARDEN OF) LEIGH LANE EAST KNOYLE, SALISBURY,
SP3 6AP - FOR MT AND MRS D PORTEOUS**

The Committee considered the report of the Head of Development Services (previously circulated), together with the schedule of late correspondence circulated at the meeting:

RESOLVED -

- (1) that the above application be approved for the following reason:-

The proposal is appropriate to the surrounding area and will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers. Therefore it is considered to conform with Adopted SDLP G2, D2, C4, C5, R2 and H16.

And subject to the following conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

(2) This development shall be in accordance with the amended drawing[s] ref: 2A deposited with the Local Planning Authority on 16/02/05, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

(3) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development (both the dwelling and the detached garage) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

(4) Notwithstanding the provisions of Classes A - H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to the dwelling nor the addition of any new windows other than those shown on the drawings hereby approved nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to ensure that sufficient space is retained around the dwelling(s) and to reduce the potential for overlooking of neighbouring properties, in the interests of neighbourliness and amenity.

(5) The proposed access shall remain un gated.

Reason: In the interests of highway safety.

(6) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

(7) Prior to the occupation of the dwelling, a scheme for the provision of two non-tandem parking spaces shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- (2) That the applicant be informed of the following:
- I. That this decision has been made in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

Policy G2 General Development Guidance
Policy D2 Infill Development
Policy C4 Development within the AONB
Policy C5 Development within the AONB
Policy HI6 Development within a Housing Policy Boundary

2. It has been pointed out by Wessex Water that a public foul sewer crosses the site. In view of this, it is advised that Wessex Water be contacted prior to the submission of a Building Regulations application so that arrangements may be made to protect the integrity of the pipe.

Wessex Water have also indicated that prior to the commencement of development it will be necessary for the developer to agree a point of connection onto the mains water and foul sewer. Wessex Water can be contacted on (01225) 526000.

407. DEFINITIVE MAP

The Committee received a presentation from Barbara Burke, the Senior Rights of Way Officer, from Wiltshire County Council. The Officer stated that the Definitive Map was a legal document that was first produced in the 1950s. It was designed as a definitive legal record of where the public could walk, ride a bicycle or a horse and mark out which roads were bye-ways open to all traffic.

In 1981 the Countryside and Rights of Way Act stated that the Map must be under continuous review and that any member of the public could apply to the appropriate county council to upgrade a footpath to a bridle way or a bridle way to a bye-way so that motorised traffic could use the path. Any such application had to be accompanied by historic proof that the green path in question was once used for traffic.

The officer informed members that if Wiltshire County Council concludes that the evidence provided by an applicant reasonably supports the claim, whether or not it is definitive, the County Council is legally obliged to make the order.

The officer stated that the government was very concerned about the access of motor vehicles to the countryside and there was a great will to keep so called "off-roaders" away from country routes. Therefore the Countryside and Rights of Way (CROW) Act 2000 included a provision to prevent motorised traffic accessing bye-ways and bridle paths.

However, there were several problems which had prevented this being enacted to date. One such problem was that many people would need to use such routes to access their homes. The user groups representing "off-roaders" was also a very powerful lobby which was opposing all attempts to prevent the downgrading of the routes.

The Officer informed members that if the paths were upgraded then Road Traffic Orders could be implemented to prevent motor vehicles using the paths. To this end Wiltshire County Council allocated a budget specifically to implement such orders, however, this was not the preferred solution.

Members were told that the Government recently introduced a draft bill entitled "The Natural Environment and Rural Communities Bill" which was designed to combat the claim for access to green lanes by mechanically propelled vehicles because of an historic use by non-mechanically propelled vehicles.

However, the officer informed members that the county council were inundated with applications to upgrade green lanes because the Government introduced a cut-off point by which time all applications for upgrading of paths must be made. It was not clear if the legislation introduced in the future would have an impact on applications already received. The Officer informed members that the CROW Act also included provision for a project entitled "Discovering Lost Ways". This was designed to ensure that Councils meet the target that the Definitive Map be entirely up-to-date by 2026. However, this research group was tasked with analysing all the public records in County archives to establish the historic use of lanes and to submit applications to upgrade these paths to roads where such a

historic use is found. The officer stated that there were two pilot areas for this project of which Wiltshire was one.

Members expressed grave concern that the Minister must act promptly to resolve the deadlock over the enactment of the provisions in the CROW Act to prevent motor vehicles using country lanes.

Mr Withers, Chairman of the South Wiltshire Rights of Way Preservation Group, stated that the Government consultation in 2000 showed that the public were very much in favour of keeping motor vehicles off green lanes. The Minister acknowledged this and was trying to find a solution to the problem. However, Mr Withers urged the County Council and the District Council to find a way to reduce the stream of applications and prevent future applications.

A suggestion was made that bye-ways be hardened so that the “off-roaders” are no longer attracted to them. The Officer informed members that this had already been undertaken in Downton and had achieved considerable success. Another suggestion was that the MOD training land be opened to off-roaders at weekends to keep them away from the rest of the countryside. Members felt that more imaginative solutions to this problem needed to be found.

Several members felt that this was one of a number of issues adversely affecting people living and working in the countryside.

Members wanted to know what action they could take to help resolve these problems. The officer stated that the County Council have a legal responsibility to maintain bridle paths and bye-ways and therefore more funding should be invested in these areas rather than in discretionary functions such as providing cycle-ways.

Councillor Hooper, the nominated member for the Area of Outstanding Natural Beauty, on behalf of the Western Area Committee informed members that there was a Local Access Forum that the Committee should send a member to.

RESOLVED –

1. That Democratic Services investigate the feasibility of the Western Area Committee nominating a representative to the Local Access Forum and to bring a report back to the next meeting.
2. That the Committee write to the MPs for the Salisbury District area, and Wiltshire County Council, highlighting the grave concerns of the Committee about the lack of resources to deal with the current and future level of applications to upgrade green lanes and urge them to do everything in its power to hasten the enactment of the provision to keep motor vehicles off green lanes.
3. That these letters be resent to the County Council after the 5th May elections.
4. That officers investigate the stage that the draft bill “The Natural Environment and Rural Communities Bill” has reached so that members can determine whether or not they can have an input into the consultation.
5. That the invitation to county councillors to attend Western Area Committee meetings be reaffirmed.

The meeting concluded at 8.25pm